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Chief Clerk of the House

FILED JAN 11 2007

By: Driver

H.B. No. 545

A BILL TO BE ENTITLED

AN ACT

relating to enforcement of certain vehicle weight and safety  
requirements by a noncommissioned employee of the Department of  
Public Safety.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 621.402(c), Transportation Code, is  
amended to read as follows:

(c) A noncommissioned employee of the Department of Public  
Safety who is certified for the purpose by the public safety  
director and who is supervised by an officer of the Department of  
Public Safety may, in a port of entry or at a commercial motor  
vehicle inspection site [~~fixed-site facility~~], weigh a vehicle,  
require the vehicle to be weighed, or require a vehicle to be driven  
to the nearest scale under Subsections (a) and (b).

SECTION 2. Section 644.103(d), Transportation Code, is  
amended to read as follows:

(d) A noncommissioned employee of the department who is  
certified for the purpose by the director and who is supervised by  
an officer of the department may, at a commercial motor vehicle  
inspection site [~~fixed-site facility~~], stop, enter, or detain a  
motor vehicle that is subject to this chapter. If the employee's  
inspection shows that an enforcement action, such as the issuance  
of a citation, is warranted for a violation of this title or a rule  
adopted under this title, including a federal safety regulation

1 adopted under this chapter, the noncommissioned employee may take  
2 enforcement action only if the employee is under the supervision of  
3 an officer of the department.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.

# HOUSE COMMITTEE REPORT

07 MAR 26 PM 9:05  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Driver

H.B. No. 565

## A BILL TO BE ENTITLED

### AN ACT

relating to enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 621.402(c), Transportation Code, is amended to read as follows:

(c) A noncommissioned employee of the Department of Public Safety who is certified for the purpose by the public safety director and who is supervised by an officer of the Department of Public Safety may, in a port of entry or at a commercial motor vehicle inspection site [~~fixed-site facility~~], weigh a vehicle, require the vehicle to be weighed, or require a vehicle to be driven to the nearest scale under Subsections (a) and (b).

SECTION 2. Section 644.103(d), Transportation Code, is amended to read as follows:

(d) A noncommissioned employee of the department who is certified for the purpose by the director and who is supervised by an officer of the department may, at a commercial motor vehicle inspection site [~~fixed-site facility~~], stop, enter, or detain a motor vehicle that is subject to this chapter. If the employee's inspection shows that an enforcement action, such as the issuance of a citation, is warranted for a violation of this title or a rule adopted under this title, including a federal safety regulation

1 adopted under this chapter, the noncommissioned employee may take  
2 enforcement action only if the employee is under the supervision of  
3 an officer of the department.

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2007.

# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

3/19/07  
(date)

Sir:

We, your **COMMITTEE ON LAW ENFORCEMENT**

to whom was referred HB 565 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☐ yes ☒ no A tax equity note was requested.  
☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

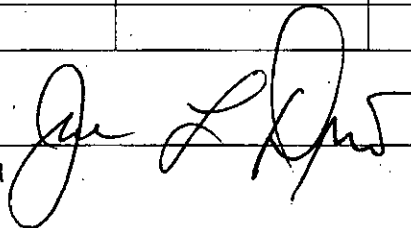
The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Driver, Chair	✓			
Latham, Vice-chair	✓			
Allen, CBO	✓			
Frost	✓			
Ortiz	✓			
Vo				✓
West	✓			

Total

6 aye  
0 nay  
0 present, not voting  
1 absent

CHAIR



## **BILL ANALYSIS**

H.B. 565  
By: Driver  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Department of Public Safety (DPS) has primary responsibility for enforcing the Federal Motor Carrier Safety Act and other laws and regulations involving hazardous material shipments, commercial driver licensing and insurance, size, weight, and registration and operating authority of commercial vehicles.

Under current law, DPS can allow a noncommissioned DPS employee, who is certified for the purpose and supervised by a commissioned DPS officer, to perform duties related to weighing or inspecting commercial vehicles at ports of entry or at fixed-site facilities.

As proposed, H.B. 565 would expand this authorization to apply to any commercial motor vehicle inspection site.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 565 amends Section 621, Transportation Code to authorize a noncommissioned employee of the Department of Public Safety, who is certified for the purpose and supervised by a Department of Public Safety officer, to perform duties related to weighing a commercial motor vehicle at a commercial motor vehicle inspection site.

The bill also amends Section 644, Transportation Code to authorize a noncommissioned employee of the Department of Public Safety who is certified for the purpose and supervised by a Department of Public Safety officer to, at a commercial motor vehicle inspection site, stop, enter, or detain a motor vehicle that is subject to this chapter. It authorizes a noncommissioned employee supervised by a Department of Public Safety officer to take enforcement action if the employee's inspection shows that an enforcement action is warranted for a violation of this title or a rule adopted under this title, including a federal safety regulation.

### **EFFECTIVE DATE**

Upon passage, or, if the act does not receive the necessary vote, the Act takes effect September 1, 2007.

## SUMMARY OF COMMITTEE ACTION

HB 565

February 26, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 19, 2007 2:00 PM or upon final adjourn./recess

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Considered in public hearing

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

+ 2

WITNESS LIST

HB 565  
HOUSE COMMITTEE REPORT  
Law Enforcement Committee

February 26, 2007 - 2:00 PM or upon final adjourn./recess

On: Rogers, Mark (Texas Department of Public Safety)

Registering, but not testifying:

For: Findeisen, Les (Texas Motor Transportation Association)

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**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**February 24, 2007**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB565** by Driver (Relating to enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it relates to the enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety (DPS).

The bill would amend Transportation Code, Sections 621.402 (c) and 644.103(d) which would require a noncommissioned employee of DPS who is supervised by a DPS officer, may, in a port of entry or commercial motor vehicle inspection site, weigh a vehicle, require the weight of a vehicle, or require a vehicle to be driven to the nearest scale. The bill states that a noncommissioned employee of DPS who is supervised by a DPS officer, may, at a commercial motor vehicle inspection site, stop, enter, or detain a motor vehicle. The bill would take effect on September 1, 2007.

DPS anticipates no fiscal impact to the agency.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ES, KJG, GG, LG

H.B. No. 545

By Driver

A BILL TO BE ENTITLED  
AN ACT

relating to enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety.

JAN 11 2007

Filed with the Chief Clerk

FEB 06 2007

Read first time and referred to Committee on Law Enforcement

MAR 19 2007

Reported favorably (amended)

MAR 27 2007

Sent to Committee on (amended)  
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 05 2007

HB 545 Laid on Table  
SUBJECT TO CALL

Received from the House

Read and referred to Committee on \_\_\_\_\_

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read third time, \_\_\_\_\_, and passed by a (viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)

07 MAR 26 PM 9: 05  
HOUSE OF REPRESENTATIVES